

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Checker Cab Philadelphia, et al, Plaintiffs, v. The Philadelphia Parking Authority and Vincent Fenerty, Defendants.	CIVIL ACTION NO. 16-4669
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ORDER RE: MOTIONS TO DISMISS

AND NOW, this 6th day of June 2017, it is hereby **ORDERED** that, after review of the substantial briefing by the Parties, after hearing oral argument on May 18, 2017, and for the reasons stated in the accompanying memorandum:

- Defendants' Motion to Dismiss the Medallion Plaintiffs' Amended Complaint (ECF 74) is **DENIED**;
- Defendants' Motion to Dismiss Intervenor's Second Amended Complaint (ECF 96) is **DENIED IN PART AND GRANTED IN PART**.

As explained in the accompanying memorandum, Medallion Plaintiffs' and Intervenor's Equal Protection claims will be allowed to proceed provided they are based on the theory that the Defendants arbitrarily failed to regulate TNCs. Equal protection claims based on any other theory are **DISMISSED**. Intervenor's Count IV is **DISMISSED**.

As discussed at oral argument, the Court directs the following:

1. The parties may serve 10 contention interrogatories on each other, including any subparts, within 10 days of this Order. Any objections must be specific and

served within 10 days of service of the Interrogatories. Answers to interrogatories shall be served within 21 days of service.

2. The parties may also serve up to 20 Requests for Admission, including any subparts, within 10 days. Responses to Requests for Admission shall be served within 21 days of service.
3. Any objections to this written discovery not resolved by discussions between counsel must be the subject of a motion to compel filed within 10 days thereafter or will be considered waived.
4. The Court suggests the parties agree on one deponent for Plaintiffs, one for Intervenor, and one for PPA, of an individual with detailed knowledge of these issues as to the background of PPA's policies and practices. These depositions should take place promptly after the answers to the written discovery described here.
5. The Court will schedule another pretrial conference for July 10, 2017 at 3:00 p.m. in Courtroom 3A. If any discovery issues cannot be resolved, counsel shall submit a letter not more than three pages in length describing the issue and each party's position, by July 7, 2017.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.